**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

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| THE PEOPLE, | B240188 |
| Plaintiff and Respondent, | (Los Angeles County Super. Ct. No. SA079805) |
| v. | |
| VERNON SPENCER GABLE, | |
| Defendant and Appellant. | |

THE COURT:[*]

Vernon Spencer Gable appeals from a judgment following a guilty plea.  Because defendant pled no contest after waiving his right to a preliminary hearing, the following facts are taken from the probation report.

On January 22, 2012, appellant entered a JCPenney store and placed two T-shirts, one pack of underwear, one pack of tank tops, and a pair of sunglasses inside a black JCPenney courtesy bag.  He entered a fitting room carrying the bag.  Approximately three minutes later, he left the fitting room not carrying anything.  A loss prevention officer checked the fitting room and found a price tag for the sunglasses.  Appellant walked out

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[*]     BOREN, P. J., DOI TODD, J., CHAVEZ, J.

of the store without paying for the merchandise.  He was detained outside and the merchandise valued at $92.90 was recovered.

After consulting with counsel, appellant pled guilty to one count of petty theft with priors (Pen. Code, §§ 484, subd. (a), 666, subd. (a)).[1]  Appellant also admitted having suffered one strike under the "Three Strikes" law (§§ 667, subds. (b)–(i), 1170.12, subds. (a)-(d)) and having served one prior prison term (§ 667.5, subd. (b)).  Pursuant to a plea agreement, the court struck the allegations concerning the prior convictions and sentenced appellant to state prison for the upper term of three years.  The trial court imposed various fines and court fees and appellant was awarded 24 days of actual custody credit and 24 days of conduct credit, for a total of 48 days of presentence credit.[2]

Appellant filed a timely notice of appeal from the judgment in which he checked the preprinted boxes indicating, "This appeal is based on the sentence or other matters occurring after the plea that do not affect the validity of the plea"; and "This appeal challenges the validity of the plea or admission."  As grounds for seeking a certificate of probable cause, appellant claimed his defense counsel was constitutionally ineffective for failing to investigate his "medical condition" or the "effects of medication."  Appellant's request for a certificate of probable cause was denied.

We appointed counsel to represent appellant on this appeal.  After examination of the record, counsel filed an "Opening Brief" containing an acknowledgement that he had been unable to find any arguable issues.  On July 9, 2012, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider.  No response has been received to date.

Appellant was represented by counsel throughout the proceedings.  He was fully apprised of his constitutional rights and the consequences of his plea.  He expressly

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[1]     All further statutory references are to the Penal Code unless otherwise indicated.

[2]     Appellant filed a motion with the sentencing court pursuant to Penal Code section 1237.1 to correct the award of credits.  The motion was granted and the corrected abstract reflects a total of 52 days of presentence credit.

waived his rights, and his waiver was knowing, intelligent and voluntary. He specifically admitted the theft from the department store. There was no error in the sentence, which was in accord with applicable law and the negotiated disposition. Appellant received a fair hearing and due process.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.